

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	H 23	\$	OTHER	DOCKET NUMBER	DEM.	YR.	NUMBER
1085/4	76	0194	05 03 76	1	870	1					8509		76	0194-B

PLAINTIFFS

DEFENDANTS

UNITED STATES OF AMERICA and  
CONRAD CARSON, Revenue Agent  
Internal Revenue Service

The Hortor Company and Jim  
Mitchell, General Manager of  
The Horter Company

Kenneth F. Lundberg &  
Eunice L. Lundberg  
Intervenors

CAUSE

26 U.S.C. Section 7402 (b) and 7604 (a)

ATTORNEYS

Nathan G. Graham  
Robert P. Santee  
Asst. U. S. Atty.  
460 U. S. Courthouse  
Tulsa, OK 74103

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Trial Attorney  
Tax Division  
U. S. Dept. of Justice  
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Fred S. Nelson (Horter Co. & Mitchell)  
4100 Bk of OK Tower, One Wms. Center  
Tulsa, OK 74103 588-2700

Mortimer M. Caplin (Intervenors)  
Ralph A. Muoio  
Walter Slocombe  
1101 17th St., N.W.  
Washington, D.C. 20036  
202 862-5045

Rooney McInerney (Intervenors)  
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Tulsa, Ok 74103  
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<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	06-01-76
				JS-6	6-1-77

DATE 1976	NR.	PROCEEDINGS
5-3	1.	Petition to enforce I.R.S. summons, filed.t
5-14	2.	Order, filed, directing defts. to appear 6-3-76 at 10:00 a.m. and show cause why they should not be compelled to obey IRS summons served upon them 9-30-75. Further, that all pleadings filed herein be served upon defts. on or before 5-24-76. Further, that not less than 3 days prior to hrg., defts. shall file a response to the petition, supported by appropriate affidavit(s), as well as any motions they may desire to make. (AEB-J)t Summons issued.
5-20	3.	Return on USM service, summons, petition, and show cause order, filed. Served The Horter Co. and Jim Mitchell, General Manager, at Tulsa, Oklahoma, on 5-19-76, w/ fees of \$6.00.k
5-28	4.	Motion to intervene, filed by Kenneth F. Lundberg and Eunice L. Lundberg with memorandum in support, proposed answer in intervention, and affidavit of G. Douglas Fox.k
5-28	5.	Defts' response to Show Cause Order, filed with affidavit of James V. Mitchell.k
6-2	6.	Pltf's motion for protective order and memorandum in support, filed.k
6-2	7.	Petitioners' Memorandum, filed.k
6-3		Case called for hearing Pltf's motion for order to show cause. Parties present. On motion of R. McInerney, Ralph Muoio is admitted for the purpose of this case only. McInerney & Muoio present for proposed intervention. Ct. allows intervention & Order Granting signed & filed in open court. Govt. makes statements, witness sworn & testifies. Interv. witnesses sworn & testify. Ct. orders further briefing by parties. Intervenor & Deft. request permission to present copy of Document in question to Ct. for in camera inspection. Ct. accepts & doc. is marked Inter. Ex. #2. Ct. does not rule on show cause. Ct. allows parties 25 days to file simultaneous briefs.(AEB-J)b
6-3-		Pltf's exhibit, filed. b
6-3		Intervenor's exhibit #1 in file, #2 in vault. b
6-3	8.	Order, signed & filed in open court, Granting Leave to Intervene of Kenneth F. Lundberg & Eunice L. Lundberg.(AEB-J)b cps mld
6-3	9.	Answer in intervention, filed by defts. Lundberg.k
6-3	10.	Defts' request for production of documents under Rule 34, filed.k
6-3	11.	Defts' appl. for accelerated discovery, filed.k
6-9	MO	The Court has for consideration the Application for Accelerated Discovery; Request for Production of Documents Under Rule 34, filed by defendants; the Motion for Protective Order filed by plaintiff, and having been advised by the parties that there is no objection to the ruling on said motions being deferred,  It is ordered that ruling on the Discovery Motions itemized above be deferred until further advice of the parties, (AEB-J) s cps. mld.
6-9	--	Reporter's Transcript of Proceedings had on 6-3-76, Show Cause Hearing, taken before Glen R. Dorrrough, CSR, filed. v

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
U.S.A., et al		The Hortor Company, et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
6-28	12	Brief on behalf of respondents and respondents in intervention, filed, s.	
6-28	13	Intervenors' proposed Findings of Fact, Conclusions of Law, filed.s	
6-28	14	Brief of petitioners, filed. s	
7-12	15	Reply brief of petitioners, filed.g	
7-13	16	Reply brief on behalf of respondents and respondents in intervention, filed.v	
7-26	MO	Case referred to Magistrate Morris L. Bradford for Findings and Recommendations. (AEB-J)k	
9-30	MO	Case set for hearing before Mag. on def't's proposed findings of fact and conclusions of law on 11-17-76 at 3:00 p.m. (MLB-Mag)s ntc by KT	
11-17	MO	Hrg. before Mag. set for 11-17-76 at 3:00 p.m. is hereby stricken. To be reset at a later date. (MLB-Mag)k <i>note by phone</i>	
<u>1977</u> 3-29	MO:	IT IS ORDERED that the parties submit proposed F/F & C/L w/in 30 days from this date. (AEB-J)k cps mld	
5-26	17.	Findings of Fact & Conclusions of Law, filed.(AEB-J)b cps mld	
5-26	18.	Judgment, filed & entered, that complaint of the United States of America & Conrad Carson, Rev. Agent, IRS, is hereby dismissed, & the Order to show Cause is hereby discharged.(AEB-J)b cps mld	
7-21	19	Petitioners notice of appeal. fld. ho (copy to counsel & USCA)	
7-27	---	Record on appeal (2 vols) transmitted to USCA.rm	
8-24		Letter, filed, assigning Circuit No. 77-1621. ra	
12-14	20	Mandate of the 10th Circuit, filed and spread of record,that upon stip. of parties appeal is dismissed w/prej., each party to bear its own costs. rm	
12-19	---	Appeal record (2 vols) received from USCA.rm	

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## PROCEEDINGS